

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

RSA No.2205 of 2007

DATE OF DECISION: 2.8.2007

Improvement Trust, Pathankot & Anr. ...Appellants

VERSUS

Pardeep Kumar

...Respondent

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Rakesh Garg, Advocate for the appellants

Permod Kohli,J. (Oral)

This appeal has been preferred by the defendants/appellants against the concurrent findings of fact recorded by both the courts below. The appellants/defendants issued a notice for recovery of Rs.31,790/- from the respondent/plaintiff, on account of interest allegedly payable for non-payment of the price of the shop. The Trial court found that earlier the eviction proceedings were initiated by the defendants/appellants and the order of eviction was finally set aside by the Commissioner, Jalandhar Division and the

:2:

Commissioner ordered to pay price of the shops which was assessed by the appellants-Improvement Trust. The order of the Commissioner became final. The plaintiff deposited the price of the shops. The trial court accordingly observed that the appellants/defendants- Improvement Trust did not prefer any appeal against that order. The defendants/appellants did not produce any documentary evidence to prove that there was any agreement between the plaintiff and the defendants to pay interest on the balance amount. In absence of any contractual stipulation, defendant has no right to claim interest. The trial court accordingly granted a decree restraining the present appellants from recovering the amount demanded vide the impugned notice on account of interest by its judgment and decree dated 18.9.2001. The First Appellate Court concurred with the findings of fact recorded by the trial court vide its judgment and decree dated 30.3.2007. Learned counsel for the appellants has not been able to show that any substantial question of law is involved in the present appeal.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

2.8.2007
MFK

NOTE: Whether to be referred to the Reporter or not: YES